

PROCEEDINGS OF THE CLUB

NOVEMBER 27, 1907

The meeting was called to order at the museum building of the New York Botanical Garden at 3:45 P. M. by the secretary, and Dr. N. L. Britton was elected chairman. Nineteen persons were present. After the reading and approval of the minutes of the preceding meeting, the name of Mr. Edward N. E. Klein, College Point, L. I., was presented for membership.

The chairman made formal reference to the death of Professor Underwood, vice-president of the Club, and a motion was made and carried that a committee of three be appointed by the chair to draw up suitable resolutions, and arrange for a memorial program of the Club, to be given as soon as the arrangements for it can be perfected. The following were appointed as members of the committee: Dr. C. C. Curtis, Dr. John Hendley Barnhart, and Dr. M. A. Howe.

A communication was read from the secretary of the New York Academy of Sciences, calling attention to the fact that, by the death of Professor Underwood, the Club is now without a representative on the Council of the Academy. Mr. Charles F. Cox was nominated to fill this vacancy, and was unanimously elected.

The matter of distribution of pay for clerical assistance for the treasurer came up for discussion, and, by unanimous vote of the Club, the treasurer was authorized to pay fifteen dollars a quarter for such purpose.

A request was presented from Mr. Stewardson Brown for a grant of \$200 from the Esther Herrman Research Fund of the New York Academy of Sciences for aid in completing an investigation of the flora of Bermuda and its origin. This request was approved by the unanimous vote of the Club.

The resignation of Miss Mary E. Davidson was read and accepted.

On vote of the Club the secretary cast the vote of the members electing Mr. Klein to membership.

Mr. G. V. Nash exhibited a flowering specimen of the orchid *Masdevallia bella*.

The Rev. Leander T. Chamberlain read an extract copied from the Province Laws of Massachusetts, 1736-1761, p. 153, entitled "An Act to Prevent Damage to English Grain, Arising from Barberry Bushes." All persons in the province having barberry-bushes growing on their land, were ordered to destroy them before a named date. Severe penalties were described for failure to comply with this law. A brief discussion of the subject followed. The act is here printed in full :

AN ACT TO PREVENT DAMAGE TO ENGLISH GRAIN, ARISING FROM
BARBERRY BUSHES

Whereas it has been found, by experience, that the blasting of wheat and other English grain, is often occasioned by Barberry Bushes, to the great loss and damage of the inhabitants of this Province,

Be it therefore enacted by the Governour, Council, and House of Representatives,

That whoever, whether community or private person, hath any Barberry Bushes, standing or growing in his or their land within any of the towns in this province, he or they shall cause the same to be extirpated or destroyed on or before the tenth day of June, Anno Domini one thousand seven hundred and sixty.

Be it further enacted,

That if there shall be any Barberry Bushes standing or growing, in any land within this Province, after the said tenth day of June, it shall be lawful, by virtue of this act, for any person whomsoever, to enter the lands wherein such Barberry Bushes are, first giving three months' notice of his intention so to do, to the owner or occupant thereof, and to cut them down, or pull them up by the roots, and then to present a fair account of his labour and charge therein to the owner or occupant of the said land; and if such owner or occupant shall neglect or refuse, by the space of two months next after the presenting said account, to make to such person reasonable payment as aforesaid, then the person who cut down or pulled up such bushes, may bring his action against such owner or occupant, owners or occupants, before any Justice of the Peace, if under forty shillings; or otherwise, before the Inferior Court of Common Pleas in the County where such bushes grew; who, upon proof of the cutting down or pulling up of such bushes, by the person who brings the action, or such as were employed by him, shall and is hereby, respectively, empowered to enter up judgment for him to recover double the value of the reasonable expense and labour in such service, and award execution accordingly.

Be it further enacted,

That if the lands on which such Barberry Bushes grow are common and undivided lands, that then an action may be brought, as aforesaid, against any one of the proprietors, in such manner as the laws of this Province provide in such cases where proprietors may be sued.

Be it further enacted,

That the Surveyors of the Highways, whether publick or private, be and hereby are empowered and required, ex officio, to destroy and extirpate all such Barberry Bushes as are or shall be in the highways in their respective wards or districts; and if any such shall remain after the aforesaid tenth day of June, Anno Domini one

thousand seven hundred and sixty, that then the town or district in which such bushes are, shall pay a fine of two shillings for every bush standing or growing in such highway, to be recovered by Bill, Plaint, Information, or the Presentment of a Grand Jury, and to be paid, one half to the informer, and the other half to the Treasurer of the County in which such bushes grew, for the use of the County.

Be it further enacted,

That if any Barberry Bushes stand or grow in any stone wall, or other fence, either fronting the highway, or dividing between one propriety and another, that then an action may be brought, as aforesaid, against the owner of said fence, or the person occupying the land to which such fence belongs; and if the fence in which such bushes grow is a divisional fence between the lands of one person or community and another, and such fence hath not been divided, by which means the particular share of each person or community is not known, then an action may be brought, as aforesaid, against either of the owners or occupants of said land.

Be it further enacted,

That where the occupant of any land shall eradicate and destroy any Barberry Bushes growing therein, or in any of the fences belonging to the same (which such occupant is hereby authorized to do, and every action to be brought against him for so doing shall be utterly barred), or shall be obliged, pursuant to this act, to pay for pulling them up or cutting them down, that then the owner or proprietor of such land shall pay the said occupant the full value of his labour and cost in destroying them himself, or what he is obliged to pay to others as aforesaid; and if the said owner or owners shall refuse so to do, then it shall be lawful for said occupant or occupants to withhold so much of the rents or income of said land as shall be sufficient to pay or reimburse his cost and charge arising as aforesaid.

This act to continue and be in force until the tenth day of June, one thousand seven hundred and sixty-four.

[An Early Massachusetts Statute for the Prevention of Wheat-Rust. *Anno Regni Regis Georgii II, Vicesimo Octavo*, Chap. X. (published January 13, 1755).]

Dr. Britton exhibited a specimen from Jamaica, W. I., illustrating an economic use of cat-tails. This was a "bed," made from the split stems of *Typha domingensis*.

The following scientific program was presented:

"A new *Utricularia* from Long Island," by John Hendley Barnhart.

The new species was described and specimens of it exhibited. The paper and description will be published in full in the *Bulletin* of the Torrey Botanical Club, for December, 1907.

"Some anomalous Leaf-Forms," by C. Stuart Gager.

Specimens were shown illustrating the formation of ascidia in the white (?) clover and in a leaflet of the licorice (*Glycyrrhiza*); variations in the branching of the leaf-blade of a species of *Fraxinus*; transitions in *Aralia racemosa*, from a once-compound to a

normally twice-compound leaf; branching of the leaflets of *Hicoria ovata* and of *Aesculus Hippocastanum*; and various stages of transition, in *Gleditsia triacanthos*, from once-compound leaves to twice- and thrice-compound ones, the transitional forms occurring in some instances on the same branch, and even on the same leaf. Rosette leaves were also shown from several species of Biotian asters, showing gradual transitions from a slight indentation of the margin of the blade along its basal half to the development of petiolate leaflets, so that the leaf appeared to be a pinnately compound one. The possible causes of these variations were briefly discussed.

Brief discussion followed the presentation of both papers.

The Club adjourned at 5:30 o'clock.

C. STUART GAGER,
Secretary.

NEWS ITEMS

Dr. B. M. Duggar has resigned the professorship of botany in the University of Missouri to accept a professorship in Cornell University.

Mr. R. S. Williams, assistant curator of the New York Botanical Garden, left New York for Colon on January 25, expecting to devote several months to making botanical collections in the Republic of Panama.

Mr. George E. Davenport, well known as a student of the North American ferns, died in Medford, Massachusetts, November 29, 1907. He had completed his seventy-fourth year on August 3, preceding.

Mr. Harlan H. York is in charge of the botanical work at the University of Texas, pending the appointment of a professor of botany to succeed Dr. William L. Bray, now of Syracuse University.

Dr. Burton E. Livingston, of the department of botanical research of the Carnegie Institution, has been granted a year's leave of absence, which he will devote to study in European laboratories. He sailed from Boston for Naples on January 11.